

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
CHERYL FREIER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 16-10149-JCB
	)	
REPUBLIC OF GERMANY,	)	
	)	
Defendant.	)	
_____	)	

REPORT AND RECOMMENDATION OF DISMISSAL WITHOUT PREJUDICE  
FOR FAILURE TO COMPLY WITH FED. R. CIV. P. 4 AND L.R. 4.1

October 4, 2016

Boal, M.J.

On January 27, 2016, Cheryl Freier filed this action against the Republic of Germany, alleging that she was wrongfully deprived of reparation payments. Docket No. 1. On February 22, 2016, this Court granted Freier's motion to proceed in forma pauperis but noted that the U.S. Marshals Service does not serve process on foreign states. Docket No. 6. The Court also noted that Freier was responsible for doing all necessary research relating to service and ensuring proper service on the defendant. Id.

On May 2, 2016, the Court denied without prejudice Freier's motion for entry of default, noting that she had not sufficiently shown proper service and had also not served the motion for default on defendant. Docket No. 11. The Court also denied Freier's motion for a default judgment against the defendant in the amount of \$5,000,000. Docket No. 13.

On May 16, 2016, the Court granted Freier's motion for an extension of time to serve the defendant and allowed Freier until August 11, 2016 to do so. Docket No. 15.

On June 29, 2016, Freier filed a motion to stay the case “for an indefinite period of time” or the “ability to open the case at a later date.” Docket No. 16. On July 8, 2016, the Court denied Freier’s request to stay the case indefinitely but extended the time for serving the defendant until September 30, 2016. Docket No. 17. The Court ordered that “[i]f plaintiff is unable to serve the defendant by that date and file proof of doing so, then the Court will recommend to a District Judge that this case be dismissed without prejudice.” Docket No. 17.

As of this date, Freier has not filed proof of proper service on the defendant. Accordingly, this Court recommends that a District Judge dismiss this action without prejudice.

REVIEW BY DISTRICT JUDGE

The parties are hereby advised that under the provisions of Fed. R. Civ. P. 72(b), any party who objects to these proposed findings and recommendations must file specific written objections thereto with the Clerk of this Court within 14 days of the party’s receipt of this Report and Recommendation. The written objections must specifically identify the portion of the proposed findings, recommendations, or report to which objection is made, and the basis for such objections. See Fed. R. Civ. P. 72. The parties are further advised that the United States Court of Appeals for this Circuit has repeatedly indicated that failure to comply with Fed. R. Civ. P. 72(b) will preclude further appellate review of the District Court’s order based on this Report and Recommendation. See Phinney v. Wentworth Douglas Hospital, 199 F.3d 1 (1st Cir. 1999); Sunview Condo. Ass’n v. Flexel Int’l, Ltd., 116 F.3d 962 (1st Cir. 1997); Pagano v. Frank, 983 F.2d 343 (1st Cir.1993).

/s/ Jennifer C. Boal  
JENNIFER C. BOAL  
United States Magistrate Judge